

Entered - 11/18/00 - sb
CL 00L0706 - GWENDOLYN BURNS

01-*R*-0255

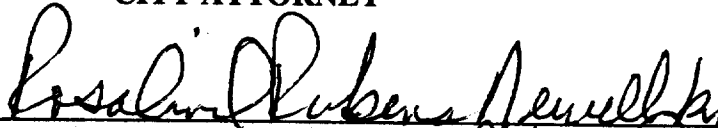
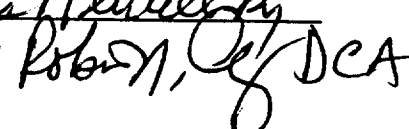
CLAIM OF: CHURCH'S CHICKEN #113
ATTN: Cheryl Solomon
840 Simpson Street
Atlanta, Georgia 30314

For property damage alleged to have been sustained during a sidewalk repair project on September 15, 2000 at 840 Simpson Street.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **CHURCH'S CHICKEN** the sum of **\$1,405.75** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained during a sidewalk repair project on September 15, 2000 at 840 Simpson Street as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY 

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0706

Date: February 14, 2001

Claimant /Victim CHURCH'S CHICKEN #113
BY: (Atty) (Ins. Co.) _____
Address: 840 Simpson Street, Atlanta, Georgia 30314
Subrogation: _____ Claim for Property damage \$ 1,405.75 Bodily Injury \$ _____
Date of Notice: 11/8/00 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 9/15/00 Place: 840 Simpson Street
Department PUBLIC WORKS Division: Street
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant sustained damage when a City crew damaged its electrical wiring during a sidewalk repair project.


INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

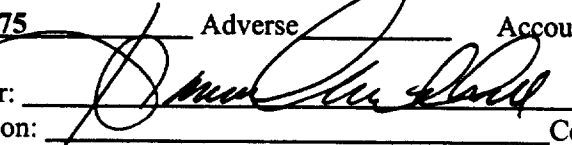
BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 1,405.75 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 02-15-01
Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 10/24/00

BURNS
11/28/00
Du

- 8

03-11-00P04:32 RC 12

Dear Municipal Clerk:

ENTERED - 11-18-00 - SB

0010706 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1500. property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 9-15-2000 2. Time of Incident: 1:00pm 3. Police called: ✓
(month/day/year) Yes No

4. Location of incident (including street address): 840 Simpson St. (Churchs Chicken)

5. Name of your insurance company: _____ Policy No. _____

6. State what and how incident occurred: The city works was working on sidewalk and hit pole line. I talk to Stanley Cloud (street maintenance supervisor) work have been done

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above. Church's Chicken #113

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Cheryl Solomon
Signature of Claimant

Cheryl Solomon
(Print Claimant's Name)

840 Simpson St.
(Address)

Atl. Ga. 30314
(City, State and Zip Code)

(404) 524-1104
(Work Number) (Home Number)

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 00L0706

\$ 1,405.75

IN CONSIDERATION of the sum of FOURTEEN HUNDRED AND FIVE AND 75/100
 DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged,
I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City,
its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and
expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly
for or on account of property damage that occurred during a sidewalk repair project
which occurred on or about the 15th day of September, 2000,
at or near 840 Simpson Street.

It is further understood and agreed that the payment of the above named sum is not to be considered as an
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this
instrument.

WITNESS my hand and seal this 8th day of Feb., 20 01.

Cheryl Solomon (LS)
CHURCH'S CHICKEN #113/CHERYL SOLOMON

The above release was read and explained to, and signed by the said Cheryl Solomon

 in our presence on the date above written.

Domina Baker
Regina U Rhodes
WITNESSES